

CA 03

Ymgynghoriad ar asedau cymunedol

Consultation on community assets

Ymateb gan: Rhwydwaith Ymddiriedolaethau Tir Cymunedol

Response from: Community Land Trust Network

Whether the current statutory and policy framework empowers communities in Wales to develop community assets;

The Future Generations Act has the potential to greatly empower communities. This would be by aligning public policy, and the use of community assets, to the long-term wellbeing of communities. This neatly aligns to the legal framework for the Community Land Trust (CLT) in particular, which is defined (as an English body in the Westminster Housing and Regeneration Act 2008) in terms that require CLTs to only use assets for the social, environmental and economic wellbeing of their local community.

However, in practice that Act - and related aspects eg of the planning system - have not helped. For example, a CLT Bronllys has been unable to secure any interest in the underused land in the local community hospital despite wide and universal political and community support, and a very compelling case that aligns with the statutory and policy framework. This is because the Powys Teaching Health Board doesn't want to engage, and there are no powers in the hands of the community to force them to.

In respect of housing - affordable housing being a key focus for many CLTs - the policy framework hinders communities. To access capital grant, a housing provider needs to be a Registered Social Landlord. But the Welsh Government is resistant to new organisations registering. This is in contrast to England, where 18 CLTs have become or are in the process of registering to become Registered Providers (the equivalent). So that path is effectively closed to communities. The alternative is for them to partner with an RSL, typically in a model whereby the community owns the freehold of the land and the RSL develops and manages the homes under agreement and with a leasehold arrangement. This is popular in England but has yet to take off in Wales, and there is nothing in the policy framework to encourage it. Cwmpas is working to establish the model, and there was some work by PLANED in Pembrokeshire that foundered - I believe - partly because of a lack of understanding or commitment to the idea of community led development on the part of the county council and the RSL involved.

The extent the Community Asset Transfer scheme promotes and supports effective development of community assets;

To date this scheme has not been used by CLTs, to my knowledge, so I have nothing to contribute on this.

To explore barriers and challenges faced by communities in taking ownership of public or privately owned community assets, including finance and support services;

There are three ingredients to CLTs taking ownership of and developing assets: the asset, finance, and support. These three are interlinked. But in brief:

- Accessing public assets depends very much on the attitudes of the public body and the degree to which it has any duties to local wellbeing vs its wider remit (e.g. the example of PTHB and Bronllys CLT mentioned above).
- Accessing private assets is less difficult but depends more upon finance being available at the right point, unless the landowner is supportive and patient.
- Support has been improving thanks to the work of Cwmpas, linked into a wider network of community led housing professionals covering England and Scotland as well as Wales. It is positive that the Welsh Government has part-funded this work.
- The hardest bit of finance is pre-development finance for a CLT to identify and secure a site and take plans through feasibility studies up to a planning application submission. Once a CLT has the land and planning it is able to access a variety of finance sources, or to attract a development partner that can do this. In England we have had - on and off - a funding framework to provide this called the Community Housing Fund, which provides a route for communities into the main capital programme for affordable housing. But in Wales we lack any equivalent.

To discover what lessons can be learnt from beyond the Welsh border.

I have discussed the learning from the Community Housing Fund with ministers, and attach a letter from 2018 describing this.

One other lesson is that I believe it is a mistake to focus on statutory 'community rights' frameworks in isolation from the planning system and an understanding of how land and other asset markets work. The Localism Act in England made this mistake, introducing a number of fairly tokenistic 'rights' which set communities up to fail. A tiny proportion - I believe about 0.5% - of Assets of Community Value have successfully been bought by communities. The Community Right to Build Order has almost never been used, and the one

CLT that did regretted it - they found it was more expensive and bureaucratic than a normal planning application. The Community Right to Bid is pointless. The Scottish version, the Community Right to Buy, is more powerful but is again rarely used and - I am told by our friends in Scotland - acts more as a threat in your back pocket and a way to give legitimacy to community ownership, rather than acting as a useful tool for communities.

I commend the work of the IWA and Cwmpas on this agenda, but caution against leaping to a similarly toothless set of 'rights'. Instead, Wales has a unique opportunity to build from its Future Generations Act and its planning system to genuinely empower communities to play a stronger role in the mainstream asset markets.

Yours sincerely,

Tom Chance